

Law & Major Contracts

BOL Meeting Minutes - Final



Committee Chair: Nancy Barr

800 Michaelan Office Bldg.
148 Martine Avenue, 8th Floor
White Plains, NY 10601
www.westchesterlegislators.com

Wednesday, June 2, 2021

10:00 AM

Committee Room

CALL TO ORDER

With a quorum present, Chair Barr called the meeting to order at 11:40 a.m.

Pursuant to Governor Andrew Cuomo's Executive Order No. 202.1, "Continuing Temporary Suspension and Modification of Laws Relating to the Disaster Emergency," which temporarily suspends portions of the New York State Open Meetings Law. A section of the order, "Suspension of law allowing the attendance of meetings telephonically or other similar services," provides for the suspension of "Article 7 of the Public Officers Law, to the extent necessary to permit any public body to meet and take such actions authorized by the law without permitting in public in-person access to meetings and authorizing such meetings to be held remotely by conference call or similar service, provided that the public has the ability to view or listen to such proceeding and that such meetings are recorded and later transcribed."

Others in attendance: BOL: Legislators: Catherine Borgia and Damon Maher; Legislators (Remote): Catherine Parker, Chris Johnson, David Tubiolo, Ruth Walter, and Alfreda Williams; Committee Coordinators: Jill Axelrod and Alie Restiano; Lisa Hochman LAW: John Fico

Present: Committee Vice-Chair Barr, Legislator Covill and Committee Vice-Chair Shimsky

Absent: Legislator Boykin

Remote: Legislator Alvarado, Legislator Gashi and Legislator Smith

MINUTES APPROVAL

May 17, 2021 at 10:00 a.m.

On motion of Legislator Covill, seconded by Committee Chair Barr, the minutes were approved. The motion carried unanimously.

I. ITEMS FOR DISCUSSION

1. [2021-359](#) **ACT - Lawsuit Settlement Leonardo v. Westchester**

Guests: Associate County Attorney John Fico

Mr. Fico explained that the plaintiff tripped and fell trying to leave a cabin at Croton Point Park, a County owned facility. She tripped on a broken floor tile near the open front door, stumbled forward, and attempted to break her fall by extending her arms outward to grab onto the door frame. The door frame became loose and caused her to further stumble through the doorway and down a step onto a concrete pad outside the entrance. She suffered a permanent injury

to her right ankle and knee. She claimed that the defective condition of both the tile flooring and the loosened door frame combined to create the accident, and that the single step at the entrance to the front door of the cabin was not in compliance with the New York State Residential Code.

The County's motion for summary judgment arguing that the tile defect was de minimus and non-actionable, and that the loose/unsecured door frame was the result of a latent defect that could not have been discovered upon any inspection was denied. Plaintiffs' initial demand to settle was \$275,000, and the parties negotiated extensively to settle all claims for \$100,000.

With a motion by Legislator Shimsky seconded by Legislator Covill, the committee went into executive session at 11:46 a.m. With a motion by Legislator Shimsky seconded by Legislator Covill, the committee came out of executive session at 12:07 p.m.

On motion of Committee Vice-Chair Shimsky, seconded by Legislator Covill, the above item was signed by committee. The motion carried by the following vote:

Aye: Committee Vice-Chair Barr, Legislator Alvarado, Legislator Covill, Legislator Gashi, Committee Vice-Chair Shimsky and Legislator Smith

Absent: Legislator Boykin

II. OTHER BUSINESS

III. RECEIVE & FILE

ADJOURNMENT

Moved by Legislator Covill, seconded by Committee Vice-Chair Shimsky, the Committee adjourned at 12:11 p.m.